

— 1722. руб.

HIS EXCELLENCY: WILLIAM IRWIN;

GOVERNOR OF THE

STATE OF CALIFORNIA, / 1876.

FROM THE

PARK COMMISSIONERS

OF

SAN FRANCISCO.

SAN FRANCISCO:

B. F. STERETT, PRINTER AND ENGRAVER, 532 OLAY STREET.

1876.

BUREAU OF GOVERNMENTAL RESEARCH

LIBRARY

44 LIBRARY BUILDING



TO
HIS EXCELLENCY: WILLIAM IRWIN;
GOVERNOR OF THE
STATE OF CALIFORNIA,
FROM THE
PARK COMMISSIONERS
OF
SAN FRANCISCO.

SAN FRANCISCO:

B. F. STERETT, PRINTER AND ENGRAVER, 532 CLAY STREET.

1876.

Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation

TO HIS EXCELLENCY : WILLIAM IRWIN ;

Governor of the State of California.

SIR :—

In justice to themselves, as well as to those who have been in their employ, the undersigned Park Commissioners, of the city and county of San Francisco, request your attention to the subject matter of the present communication: namely the circumstances of the recent investigation into the affairs of this Board by a committee of the Assembly, and the report submitted thereon.

On the tenth day of January, 1876, under and by virtue of a resolution, adopted on that day, the Honorable D. C. Sullivan, James G. Carson, William Broderick, Thomas Barber and Frederick Raisch were appointed a committee of the House of Assembly "to proceed to San Francisco and investigate the expenditures of public moneys by the Park Commissioners of San Francisco, and all the acts, business and affairs of said Commissioners, in the improvement of the outside lands, known and designated as Golden Gate Park, from the date of organization of said Commission to the present time."

The Committee met in the rooms of the Board of Supervisors in this city and county, without previous notification to this Board, on the morning of the 12th day of January, on which occasion it was announced publicly by the chairman—the Hon. D. C. Sullivan—that the knowledge of certain gross irregularities, delinquencies—not to say, criminalities—on the part of the Superintendent of the Parks having come to his ears, he had asked and obtained the appointment of the then present committee to investigate into such maladministration as these reported wrong-doings seemed to indicate.

The remainder of that day was spent by the Committee in inspecting the Park and the improvements thereon.

The two succeeding days were occupied in secret investigation, to which neither the members of this Commission, nor their employees, were admitted. This action on the part of the Committee, as we were informed, was for the purpose of

examining such complaining witnesses as might present themselves, and thus enabling the Committee to judge whether or not there was any ground for investigation.

It appears that the committee were satisfied on this point, from such private inquiry, and made up their minds in the affirmative on the proposition, for the two days following were spent in bringing before the public, in open investigation, the various charges, criticisms, etc., made by the witnesses examined in private. The Commissioners or their employes were not informed of what discrepancies, irregularities or mistakes they would be called upon to answer or explain, but were put on the stand to be catechised upon the trivial circumstances of a five years' administration (much of which had been, so far as the Commissioners were concerned, during the administration of their predecessors) upon the complaint of a number of their former subordinate employees.

At this juncture the Committee adjourned to Sacramento, despite the earnest request of the Park management, without affording those maligned an opportunity to present a line of evidence in defence against the statements put forth to their discredit.

The conduct of the Chairman of this Committee, Hon. D. C. Sullivan, previous to, on the occasion of, and immediately after this partial investigation, was such as to induce the superintendent in the employ of this Board—towards whom the attack seemed to be directed—to ask at the hands of the Assembly his dismissal from the Committee. Certain affidavits were presented to that Honorable Body, and the member mentioned resigned from the Committee. To these affidavits, now on file in the archives of the Assembly, we respectfully call your attention, with the remark that it is a little singular that the Honorable Member towards whom they were directed never asked at the hands of the House an investigation into the charges contained therein.

On February 12th 1876, the Assembly Committee having manifested a decided unwillingness to return to this city and conclude its labors, the Commissioners addressed a letter to the San Francisco Delegation in the Senate, in which they said:

“We respectfully represent that some action at the hands of the present Legislature, providing for the further improvement and maintenance of these Parks, will be necessary; and that it has been the intention of this Commission to present the subject for your consideration; but in view of the unsettled question of the faithful and judicious conduct of its affairs by this Board and its chief employee in the past, the undersigned are now hesitating to make any suggestions for the future. In the meantime the session of the Legislature is drawing towards a close, and time for clearing up the questions involved and consideration of subsequent measures, becoming short. The undersigned, therefore, having nothing to conceal, but desiring a full and searching investigation into the management of the grounds committed to their charge, now respectfully urge the immediate appointment of a special committee of the Senate of the State of California, to prosecute such inquiry, and report suggestions for a future line of policy in the conduct of Park affairs, and request your support of the movement for the appointment of said committee.”

In answer to which the Commissioners received a letter from the Hon. Chairman of the Delegation, the purport of which was, that the Delegation was not aware of any circumstance which would justify the members thereof in favoring the appointment of a Senate committee of investigation, and that they were “ever ready to receive suggestions from the Commissioners as to the future conduct of the Parks.”

Although the members of the Assembly Committee were repeatedly requested, by those most interested on the part of the Park management, to return to this city and give them the opportunity of presenting evidence to controvert the criticisms and charges brought forward at the first investigation; it was not until the sixth day of March—nearly two months after the first partial inquiry made in this city—and then only in obedience to a resolution of instruction by the House, put forward at the instance of friends of the Park management—that such opportunity was given, and the report of the Committee was not handed in until the last working day but one of the session.

This report is such a remarkable document in the respect of apparently ignoring all testimony for the defence, that we ask your attention to its conclusions in detail; and the better to facilitate your inquiry we set before you, under the appropriate

headings, the several points made in it, each followed by a synopsis of the evidence upon which it should have been based, with such comments as appears to us proper.

The testimony taken was printed in three separate parcels, by order of the House, severally denominated "Testimony" &c., "Additional Testimony" &c., and "Final Testimony taken before the Assembly Special Committee, appointed to investigate the affairs of the Golden Gate Park, San Francisco."

DESTRUCTION OF TREES.

"First—The system of tree planting now and heretofore carried out has resulted in a wanton and useless destruction of one-third of all the trees planted: This plan has been heartily indorsed and followed by the witness Poppey. He has cut down hundreds of valuable trees three years old, and raised with great care, labor and expense. These trees might, in the opinion of your committee, have been transplanted at a small expense, and large sums of money thus saved; and brush fences could have been built of the natural brush on portions of the park, and which at some time must be removed."

(Extract—first finding—Rept. Assembly Park Com., page 4.

The testimony upon which the above judgment is based is in substance as follows :

J. J. MURPHY—A gardener employed at the park at \$55 per month, originally ranked as a laborer—testified that some trees which had been planted on the park, were cut down after they had grown to a good size; in his judgment this was wrong; the trees ought to have been removed, if not wanted in the places where they stood, transplanted; had cut down some himself, could not state the number; supposed there were ten to twelve hundred cut down altogether.

(See page 117 and 118 of Testimony.)

DANIEL SULLIVAN—A laborer at the park—testified that he cut down trees himself, to the number of sixty to eighty, by order of the head gardener; trees being two to three years old; did not know the number cut or why they were cut.

(See page 128 of Testimony.)

ALEXANDER ANDREWS—A laborer employed at the park—testified that he cut down some trees himself by order of the

head gardener; knew of about two hundred being cut altogether. Some of the trees he cut were removed for the purpose of thinning out the clumps.

(See page 18 of Additional Testimony.)

This constitutes the sum total of testimony taken in open session, which in any degree tends to condemn the act of cutting trees. The character of these witnesses is such, in the point of qualification to pass judgment on a subject of the kind, that it was not deemed worth the time to cross-question them to any extent.

It appears however that other witnesses were examined on this point in the secret session of the Committee, to whose opinions the Committee have evidently given ear. Be it remembered that the park management was not represented at their examination, and, consequently, they were not cross-examined.

Their testimony is as follows:

WILLIAM COLLIE—A gardener and nurseryman, never employed at the park—condemned the act of cutting down trees which had once been planted; called it wanton destruction.

HENRY STEWART—A gardener and nurseryman, never employed at the park—thought that unless the trees stood too thick it was wanton destruction to cut them down.

(See page 27 of Testimony.)

FRANK ROSENTHAL—A gardener employed at the park, at \$60 per month—testified that he knew of trees being cut at the park; cut some down himself, where he considered they stood too thick.

(See page 26 of Testimony.)

In explanation and justification of cutting trees, the following testimony appears:

W. H. HALL—Superintendent of the park—testified that he could not state the number of trees that were cut; had authorized the thinning out of the plantations, wherever it was neces-

sary, which was done. Speaking of planting thickly with the view of thinning out, he said :

“It is a thing done in all cases, and one probably more necessary in this improvement than in any other of the kind in the country.”

Did not consider the trees as worth anything when their purpose had been served. and it became necessary to thin the groups, for they were too old to transplant to advantage.

“The trees that are on the windward side of a group generally are blown to pieces. Their shape, their appearance is destroyed ; their beauty is marred very much. Such trees are cut away, and others—similar ones—put in their places. Furthermore, in groups of trees it is not desirable to have all the same size. These trees which were cut away (on the windward side of the groups) had been protecting others which had been growing in the meantime, and had obtained a good form and outline. Those others were brought into the foreground by cutting away these in front. Then, again, the instances have been very few, comparatively, where exactly the same kind of trees have been planted in the same place ; and, furthermore, where the trees have been cut away—in by no means a majority—a very small minority—of cases have there been others planted at all of any kind. In more instances there have been shrubs planted—low growing shrubs. In other cases trees were cut out of the middle of the groups, with the intention of thinning out. By reference to my reports concerning the improvement of the park, it will be seen that reasons are given for planting trees so close together. And it has been said from the first report I made that it was designed to cut those trees and thin them out. That work commenced last fall.”

(See page 62 and 64 of Testimony.)

F. W. POPPEY—Landscape gardener, Head Gardener at the park ; educated at the Royal Horticultural College, in Berlin, Prussia ; recommended by Mr. Fred. Law Olmstead, of Central and Prospect parks, New York and Brooklyn—explained at length the circumstances of cutting down some trees at the park, in substantially the same terms above quoted from W. H. Hall. Said he ordered the work to be done ; and that about two hundred in all were cut, principally in thinning out the plantations.

(See pages 139, 144, 148 of Testimony.)

JAMES BAILEY—Engaged in raising forest trees and foresting

lands therewith—testified that he thought it “an excellent plan to plant trees thicker than they are intended to stand.”

“I advocate planting a forest thicker than it is intended to remain, for two reasons. One reason is, it shades the ground, and prevents it from drying up so fast, another reason is, the trees protect each other, and they are more apt to grow straight.” “Trees require thinning out when planted in this way.” (Extracts, p. 27 Additional Test.) “Trees planted close together with the view of thinning out when they commence to interfere with each other, will make a better forest than those planted further apart.”

(Extract, p. 31 of Additional Test.)

THOMAS O'NEIL—Nurseryman and landscape gardener of long experience; business, raising forest trees, and foresting lands therewith—testified:

“It is usual to plant thicker than it is intended to have the trees finally.”

(Extract, p. 35 of Additional Test.)

And further explained the necessity for planting thickly and afterwards thinning out, in somewhat the same terms employed by previous and succeeding witnesses.

J. S. HENDERSON—Gardener, with experience of thirty-three years, formerly employed as head gardener upon the park, at present in charge of grounds of Mr. J. C. Flood, Menlo Park, testified:

“In planting a place of that kind (the park) it is usual to place the trees much closer than they are ultimately intended to stand.” “I would plant thicker even than the trees are planted in the park, because one protects the other, thinning out as they grow every year.” “I would not hesitate in cutting out even the best formed tree in a group, if I judged the rest would have a better show for growth.” (Extract, p. 58, 59 of Ad. Test.) “I consider it true economy to plant four trees with the intention of ultimately destroying two or three of the number.” “It is the custom from time immemorial.”

(Extract, p. 64 of Ad. Test.)

JOHN ELLIS—Landscape gardener and horticulturist of forty years experience; laid out and improved the State Capitol grounds; at present Horticulturist at the University of California—testified, that he could very readily understand how there

might have been quite a number, several hundred trees, cut down out of the plantations in the park.

"It is done so every where, in large plantations. It was done so in New York Central Park. You have to plant thickly in order to protect young growing plants—in order to get them up. They screen each other, and form a natural protection; whereas, if they were planted at the regular distance that you would have trees to remain, it would be a hundred chances to one if they would ever get up in shape in the locality of this park, where the winds are so powerful from the west." (Extract, p. 81 Ad. Test.) "As a matter of principle it would be better to plant fifteen thousand trees to the acre, with the view of destroying ten thousand of them," than not to have them thick enough to render mutual protection. "It is done all over the world."

(Extracts, p. 86 and 87, Ad. Test.)

In addition to the foregoing oral testimony, there was read before the committee an extract from the Report of the Park Commissioners of Cincinnati, for the year 1874, page 16—being a portion of the report of Mr. Adolph Strauch, a landscape gardener of much experience and reputation—as follows: Speaking of the plantations "which it became necessary to thin, in order to give room for the development into handsome specimens of the remaining trees," he says: This method of planting is generally practiced in the formation of ornamental plantations in public and private grounds in Europe, and has been executed in this vicinity with great success during the last twenty years. Plant thick and thin quick, is an old saying with experienced planters everywhere."

The members of the committee were told that the Reports of the managers of other Eastern Parks abounded with similar allusions to the necessity for sacrificing a good proportion of trees set out in a ground of the kind; but they did not consider such authorities admissible in evidence, and the extract above quoted was not reproduced in the reporter's notes.

Explanations were made by the Head Gardener as well as the Engineer, of the peculiar circumstances under which the trees were chopped: namely, their situation on flat ground, in very sandy soil, whence they could not be moved with much show of success, or at any reasonable cost. And furthermore, it was shown that a small tree, whose roots had not been injured by

process of removal, as those of the larger trees must be, would soon develop into the larger and more vigorous plant of the two, and that thus it was not only more economical, but productive of better results to chop down the larger trees where it was necessary to thin the plantations, and plant young, growing trees where new groups were desired.

The testimony of Murphy is the only evidence taken in public which condemns, unqualifiedly, the cutting. He is regarded as a common laborer at the park, working for laborers' wages for the past five years, although of late styled a gardener on the pay rolls. It was not thought worth while to cross-question him. Sullivan knew nothing but that he cut some trees of which a portion were in thinning out the groups. Rosenthal cut some down where he considered they stood too thick. Andrews cut some in thinning out groups; supposed there were two hundred cut in all; and knew nothing further.

The opinions of Collie and Stewart should not be taken at all, for the reasons (1) that it was distinctly stated, by the Committee, that testimony taken in secret sessions would not form a portion of their report or influence their decision, (2) that these witnesses had not examined into the circumstances under which trees were cut at the park, (3) that no opportunity was had of cross-questioning them.

Whereas, the opinions of Poppey, Ellis, Henderson, Bailey, O'Neil and Hall are fortified by the most explicit demonstrations of the correctness of the plan pursued in this matter at the park, and by the citation of authorities on the subject; which explanations and reasons the most rigid cross-examination, on the part of the committee, failed to set aside.

The total number of trees cut according to *Murphy's* estimate was eight to twelve hundred; according to *Pop-*

pey's statement two or three hundred ; and according to Andrews supposition, two hundred.

Hall said he had no idea how many trees were cut, there might have been "five hundred or it may have been a thousand." (p. 62 of Test.)

Murphy himself cut "a few."

Sullivan cut "sixty or eighty."

Rosenthal cut "some."

The total number of trees planted on the eastern portion of Golden Gate Park—the portion where they have attained some size, and where the cutting was done—previous to the last season's work (that of '75-'76) according to the report transmitted to the Legislature in December, 1875 (see page 40), was forty-eight thousand five hundred and seventy-nine. This report was in the hands of the committee.

Now, what proportion does the number of trees cut as above, bear to the number planted ?

It appears that this committee in stating that—

"The system of tree planting now and heretofore carried out has resulted in a wanton and useless destruction of *one-third* of all the trees planted," report that of which they had no evidence, of which they had a mass of testimony to the contrary, and which is not so.

In stating that in their opinion "these trees might have been transplanted at small expense, and large sums of money thus saved," they simply set up their individual opinion, unsubstantiated by competent or admissible evidence, against that of six persons—all but one of whom, known to be experts on the subject under consideration, all of whom, cognizant of the particular circumstances of the case—made clear by demonstration, supported by authorities, and unshaken by cross-examination.

In implying that trees were cut for the purpose of building brush fences with them, by stating that "brush fences could have been built of the natural brush on portions of the park"

they have put forth an idea for which they had no foundation; for the amount of natural brush actually used has been reckoned by thousands of loads, while the trees cut in thinning the plantations and otherwise, as proven, would not make twenty loads.

WATER SUPPLY.

"*Second*—A well was sunk, and a pump, tank and engine procured at great expense. Twenty-five thousand gallons of water can be obtained from this source daily. Yet this source of water supply was used but for a few months; and the park is entirely supplied by the Spring Valley Water Works, leaving the well and its apparatus entirely unused. Two years ago the commissioners contracted with the water company for four hundred dollars per month. This sum was paid for but two months, and there now remains due the company about dollars, depending upon the decision of the Supreme Court in the pending water litigation. The Commissioners' contract was for one year; but at the end of that contract they should, under the circumstances, have availed themselves of their own supply, and thus lessened the debt, if any, to the company."

(Extract—second finding—p. 4, Rept. of Committee.)

From the finding of the committee it might be inferred (1) that pumping works were erected at great expense, and then suffered to lie idle without reason; and (2) that the Commissioners purchased water from the Spring Valley Water Works, when a supply might have been pumped at the park works at less expense.

The facts of the case as shown the committee, are that:

The well referred to was regarded from the first as an experimental work, which would furnish water for the time being, and data upon which to base expectations of amount of water

likely to be obtained by such means on the park reservation ; as such it has fully answered its purpose, and is still, with all appurtenances, a good piece of property, in servicable condition, and ready for use if required.

Subsequently, when much more water was needed than the works spoken of would furnish, without considerable outlay on the well to enlarge its supply, the Commissioners succeeded in bargaining with the water company, for sufficient water for all purposes at a reasonable price per month, (obtaining better terms from the water company by reason of having the well supply to fall back on, thus being in a measure at least, independent of the company) and then the use of the well and engine was discontinued.

Still later, because of the unsettled condition of affairs relative to the supply of water to the city and its public grounds, and for the additional reason that the Park Improvement Fund has never been in a condition to warrant an outlay for suitable pumping works, it was not judicious to prosecute the search for a large supply of water further, or increase the dimensions of the present well.

And, whereas the well without enlargement would only yield twenty-five thousand gallons of water per day, the amount used to advantage on the park during the summer season ranged from fifty to eighty thousand gallons per day.

The most favorable terms which could be obtained from the water company, gave the Commissioners the privilege of using as much water as was needed, up to a limit of one hundred thousand gallons daily, for the monthly rental of \$400; under which circumstances it would have been useless to run the pumping apparatus.

And, furthermore,—as admitted in the report of the Committee itself—there being an unadjudicated question as to whether the water company might not be obliged to furnish water for the park gratuitously, the Commissioners felt themselves amply justified in continuing to take the water as long as the company would let them have it without immediate payment, seeing that the rate would make the expense, even if ultimately paid, less than, under the circumstances, it could be pumped for.

(See pages 48, 50, 51 of Testimony ;
79 and 80 of Additional Testimony ;
8 and 9 of Final Testimony.)

The attention of the Committee was also attracted to the fact that the subject of this water supply had been repeatedly alluded to by the Commission in its reports to the Legislature, which allusions are found to explain the course pursued by the Commission in the matter.

(See p. 7 and 8, Second Biennial Report ;
p. 10 and 50, “ “ “)

The inferences to be derived from the very obscure and covert criticism of the course of the Commission in the matter of water supply for the parks, are totally unwarranted by the state of facts and circumstances shown the Committee; and the second finding of their report can only be regarded as a befogged statement of the case on this point, upon which a perverse opinion is put forth.

Furthermore, the opinion of the Committee is absurd: for it apparently justifies the Commissioners in taking water from the company the first year, when they expected to pay for it; but censures them for not going back to their pumping works, and for continuing to use the water from the company's mains thereafter, when they did not have to pay for it, and when—as stated by the Committee in connection with their opinion—a doubt had arisen as to whether the Company was not legally obliged to furnish the water gratuitously.

Now suppose the course opposite to that criticised by the Committee had been taken, and the Commissioners had resumed the pumping of water, with its attendant heavy cost for extension of works and running expenses, “at the end of that contract,” as the Committee say; and that the result of the pending litigation is a decision that the company has to furnish water to this park gratuitously: who would be to blame for having constructed needless

pumping works at the park, and for running them at heavy expense, when water might have been had for nothing?

From the facts, as set forth by the Committee itself, the Commissioners were most justified in taking the water at the very time when the Committee censure them for taking it.

CUT ON THE NORTHERN DRIVE.

“Third—A cut on the new northern drive, originally intended for a tunnel, and so marked on the map, we consider a piece of deliberate extravagance. There existed no necessity for the so-called improvements. It never could as a tunnel, and can now less as an open cut, be any addition to the beauties of the Park. As good if not a better road could have been built to the northward, and at a vastly less expense. Some natural beauties, rare in the neighborhood, have been effectually destroyed by it, and the unfortunate part of the affair is, that the bad work has so far progressed that it must now be completed.”

(Extract—third finding—Report of Committee, pages 4 and 5.)

The cut spoken of had been referred to in the report of the Park Engineer, transmitted to the Legislature with the Third Biennial Report of the Commission; copies of which report were in the hands of the Committee, and the explanatory paragraph quoted below was pointed out.

“At a point about one third of the distance from its eastern extremity, the Northern Drive encounters the rocky ridge which extends in a northwesterly direction from Strawberry Hill, designated in former reports as the Great Transverse Ridge, which separates the East from the West Park, as it will be some day. It is designed to carry the drive through this ridge, by means of a heavy cutting at a low point, and thus render its passage imperceptible, so far as inclination in the roadway is concerned. From this cut all the clay and a great portion of the rock used in the construction of the road was obtained; but the macadamizing material, being of an inferior quality, the cut had to be abandoned as a quarry, and material obtained for the road surface from the top of the ridge, so that it was not completed when the road each side of it was finished. A side road over the hill was then built, to accommodate immediate requirements, which it does very well, leaving the surplus material in the big

cut to be quarried when it shall be needed in the construction of other roads, projected in that portion of the reservation, for which purpose it will do very well, when applied, as it was on the Northern Drive, simply as a primary layer of the surfacing."

(Extract—Report of Engineer to the Park Commissioners. Third Biennial Report of Park Commission to the Legislature, December, 1875, p. 24 and 25.)

The opinion of the Committee, as expressed in the third finding of their report, first above extracted, concerning the cutting referred to in the report of the Engineer, also quoted, must have been formed from a personal inspection, of about ten minutes' duration, which was made of the point in question; for there is no evidence whatever recorded, nor was any taken, which in the least degree tends to establish the view of the case taken by the Committee, and very much which justifies the work as planned and performed—as follows:

W. H. HALL—Engineer of the Park—explained that in the passage of this ridge he effected the location of the roadway on desirably gentle curvature and easy gradients, by carrying it through the ridge in a heavy cutting—originally planned as a tunnel; that a certain amount of material, of the character appearing in this ridge, at or about the point selected for the cut, was necessary for macadamizing the three miles of roadway constituting the northern drive; that such material was only to be had, in the neighborhood of this roadway, upon the ridge crossed; that he adjusted the alignment and grade of the road in the cut spoken of so as to obtain therein sufficient material to accomplish the macadamizing work; that all the material taken from the said cut was used as a primary layer of the macadamizing; that being disappointed in the character of the material upon approaching the centre of the cut—it not proving to be of proper quality *for the surfacing* of the roadway—the cut was temporarily abandoned, a side road built over the hill, and material to finish macadamizing the roadway taken from a point on top of the ridge near by; that it is the intention to finish the cut as material is required therefrom for the primary layer of macadamizing of the roadways yet to be built in the neighborhood. He therefore considered that the cut, as such, had not, thus far, cost anything; and being completed as proposed, would not add

anything to the cost of the roadway, but, by shortening the length of road-bed graded and macadamized, actually make it cost less. The material had to be quarried somewhere for the purpose, which that taken from the cut had served; the locality where the cut was made was the most convenient point to the entire length of roadway built; there was, therefore, no extra expense incurred by making the cut, for it was, in effect, quarrying material for macadamizing, and grading road-bed at one and the same time. From an æsthetic stand-point, he considered the cut could be made a feature in the landscapes of the Park, which could not be obtained in any other portion of the reservation—a rocky cañon, possessing natural-like attractions, which would add greatly to the scenic effects of the neighborhood; and, furthermore, that the roadway by its present location was kept in low ground, sheltered from the winds to which it would be subjected were it carried around the ridge to the northward, even if it could be so carried on admissible grades and degrees of curvature.

(See pages 40, 41, 42, 43 of Testimony; also, pages 67, 68 of Additional Testimony.)

The following evidence appears, in substantiation of the position taken by the Park Engineer, being the testimony of witnesses who made an examination of the ground at the point in question, sufficient, as they expressed it, to base their respective professional opinions upon; which examinations were somewhat longer and in every way more thorough than the examination made by the members of the Committee, although they, the engineers, did not go to the top of a certain hill, and come down again, which the Committee appeared to think was a necessary thing to do in order to be able to judge of the lay of the land.

GEO. F. ALLARDT — Civil Engineer of twenty years' experience, recently Chief Engineer to the Tide Land Commission — justified the work from an engineering stand-point, giving reasons substantially the same as those given by Hall; considered the cut an economical work, and saw no evidence of unnecessary expenditure of public moneys in the construction of the roadway.

(See pages 44, 45, 46, 48, 49, 50 of Additional Testimony.)

T. J. ARNOLD—Civil engineer of twenty-two years' experience, now Engineer to the State Board of Harbor Commissioners and City Engineer of Oakland—considered the road well located; justified the work at the cut from an engineering standpoint; thought the cut a judicious piece of work; did not think that there had been any unnecessary expenditure of public money at the point in question.

(See pages 89, 90, 91, 93, 94 of Additional Testimony.)

JOHN ELLIS.—Landscape gardener of forty years experience; planned and executed improvements of the State Capitol grounds; at present, Horticulturist at the State University—justified the location of the roadway in passing the ridge at the point in question, from an artistic and economical standpoint, substantiating his opinion by giving reasons therefor. (See pages 52 and 53 of Ad. Test.)

Regarding the cut from an artistic standpoint, he says:

"It will add such a feature to the park as is not to be found in it elsewhere—that is in the introduction of rock work; which could be carried out very prettily there, and probably nowhere else in the park." (See page 55 of Additional Testimony.)

W. N. LOCKINGTON.—Landscape gardener and architect of artistic garden and park structures, of much experience and observation in Europe; justified the work in question from an artistic point of view, giving reasons therefor.

(See pages 77, 76, 75, of Ad. Test.)

In this connection the topographical contour line map of the park, showing in minute detail the shape of the ground—its height and slope at all points—was offered in evidence, as a basis upon which the engineer, Mr. Arnold, might further explain his views concerning the location of the road, and state positively whether or not it might advantageously have been carried around the hill to the northward, where the Committee thought it ought to have been located. The introduction of the map was objected to by the chairman of the Committee, on the ground that there was no evidence to prove that the map was correct. It was then offered by the park management as the official map of the Commission, on file in its office, but was not admitted, notwithstanding that it appears that it was admitted,

“for what it is worth,” on the 93 page of Ad. Test., as printed, and the engineer referred to was not examined upon it, as the park management desired he should be.

On this point the Committee, in their third finding, have taken their own judgment—upon a subject totally foreign to the business experience of any of their number—formed from a cursory observation of the ground—as against that of two civil engineers and two landscape gardeners of the highest rank in their respective professions (whose examinations of the position were made with a professional eye, and with a view of testifying on the point in question); and in further antagonism to the full explanations of the merits of the case as set forth by the engineer of the park.

This finding of the committee is a sample of presumptuous dogmatism, unsupported by any evidence, contradicted by all the evidence and lacking the apology of ordinary dogmatism, viz.: an honest conviction.

CUT ON THE SOUTHERN DRIVE.

“On the Southern drive a large amount of unnecessary cutting and filling has been done.”

(Extract—part of third finding—p. 5, Report of Committee.)

In the construction of the Southern Drive, at a point about opposite Second Avenue, it became necessary to pass a certain ridge of sand which lay across the proposed path of the road. The Park Engineer located the road through this ridge.

FRED. MOW — Civil engineer and landscape gardener; employed as a foreman on the park in 1872, when the above mentioned work was going on—testified that the road should have been carried sharp off to the right, around the point of the ridge, whereby much cutting would have been saved, the face of nature less changed, and the protection of the ridge, for the grounds on the leeward side of it, preserved entire.

(See page 100 and 101 of Testimony.)

A question put to this witness on cross-examination by the park management, an answer to which would have put him squarely on record as to his judgment on the point whether or no "the principles of good taste and the carrying out of a judicious plan" are "to be sacrificed to the saving of a little money in some earthwork," was not admitted by the Committee, on the ground that it was a leading question. The witness might have answered the interrogatory as put, in the affirmative or negative, according to his judgment. The question was not a leading one, and the ruling of the Committee was incorrect and unjust. (See p. 107 of Test.)

It was sought by the park management to show from this witness himself, the circumstances of his leaving the park employ, and his consequent status. This was not allowed by the Committee. (See p. 109 of Test.)

In justification of the work as executed, the following evidence appears :

W. H. HALL—Engineer of the Park, explained that certain advantages were gained by locating the road as it was—through the hill—which advantages were : the obtaining of necessary material for adjacent fillings ; adjustment of easy curvature and grades in the roadway, without any material sacrifice of the protection afforded by the ridge, or of the desirably natural configuration of topography. Also, that a road around the point of the hill, as proposed by Mow, could only be made upon very sharp and inadmissible curves, or by the execution of equally heavy earthwork to avoid them.

(See p. 41 and 44 of Testimony.)

Messrs. Allardt and Arnold, civil engineers, hereinbefore referred to, justified the location of the road as it is, on engineering grounds, giving reasons for their opinions. Did not consider that there had been any unnecessary expenditure of public moneys at the point in question.

(See p. 43, 44, 47, 48, 88, 89, 92 of Ad. Test.)

Messrs. Ellis and Lockington, landscape gardeners, also referred to, justified the location of the road from an artistic

standpoint, and considered the cut an economical piece of work in the construction of the road.

(See p. 51, 52, 54, 55, 74, 75, 78 of Ad. Test.)

This is all the testimony concerning earthwork along or upon the Southern Drive.

In saying that there has been "unnecessary cutting and filling" performed in this quarter, the committee express an opinion based upon the evidence of a man who occupied an inferior position at the park, the tone of whose testimony before them, both in secret and in open investigation, shows him to have been embittered towards the park engineer, whose work he was criticising; a man whose status it was necessary to conceal; as against that of the four experts of the first standing in their professions, who having examined the ground, sustained the course pursued by the engineer of the park, in the strongest terms.

It is neither shown nor claimed that the Committee were engineers. They neither criticise nor explain away the testimony of experts. They scorned topographical maps, which showed the original shape of the ground, and ignore everything upon which a conclusion contrary to that which they have come to, could be based. Their finding is therefore an arbitrary opinion of unqualified judges.

SYSTEM OF ACCOUNTS.

"*Fourth*—By the system of accounts adopted by the Commission it is impossible to arrive at the cost of any large work. The Secretary himself admits this. Your Committee endeavored to learn the cost of the cut to this time, but without avail."

(Extract—fourth finding—p. 5. Report of Committee.)

The accounts kept by the Secretary show the disposition of the monies drawn from the Park Improvement Fund, according to the demands drawn each month in payment to each em-

ployee for services rendered at the park by him (as credited and returned by the Park Keeper in the shape of a pay roll) and for material, supplies, etc., purchased, as recorded in vouchers containing detailed bills thereof. An individual, credited with time on the pay roll, may have and probably has been employed upon from five to twenty-five classes of work during the month, of which, several may have been on the same day; the pay roll could not possibly show this. Supplies purchased are distributed amongst many different works; the bills rendered the Secretary could not show this. Therefore his accounts did not exhibit the items of expense demanded by the Committee.

An account of the disposition, in detail, of this labor and of these supplies, etc., is kept at the park, by the Engineer and Park Keeper.

Had the demand have been made upon them, when the Committee was in San Francisco at one of its earlier sittings, a statement of the cost of the several classes of work and specific items of expense at the park, could have been furnished. But the Committee waited until the last hour of their last session in the city, to instruct the Secretary to prepare a statement which the time allowed him would not admit of his accomplishing, and for which his accounts did not furnish the data.

The criticism of the system of accounts adopted by the Commission, as contained in the fourth finding of the Committee's Report, is calculated to convey an erroneous impression, which the lights before them must have made apparent.

RECORD OF VISITORS.

"Several men are employed at the park making daily reports of the number of vehicles, visitors, etc. These may be useful in showing the popular use of the park, but they serve no other end."
(Extract fourth finding—p. 5 of Report of Committee.

What evidence this statement is based upon it is impossible to say; the only testimony on the point being that of W. H. Hall, Superintendent, as follows:

“There are two Gate Keepers, each having charge of one gate; the other gates are opened and shut by the Assistant Park Keepers on the roads. The Gate Keepers live in the gate houses, open their respective gates at five o'clock in the morning, and close them at eight o'clock in the evening. Their duties consist of watering cleaning and otherwise taking care of a section of roadway—about one thousand feet in length—adjacent to their respective gates, and of the grounds bordering thereon. They are required to be on duty—to be there present—about fourteen hours per day, besides sleeping there at night. They are only permitted to go away to their meals and back again; and have one day of liberty during each month. The counting of vehicles passing through, is merely incidental, and not supposed to interfere materially with their duties on the road.”

(Substance of testimony of W. H. Hall; see p. 73 of Testimony.)

The manifest intention of this statement of the Committee is to convey the idea that men are employed to count visitors, etc., rendering no other service.

In this light the statement is false, according to the evidence and the fact.

SUPERINTENDENT'S ATTENTION TO DUTY.

“Fifth.—The superintendent receives a salary of four hundred dollars per month, and the people are certainly entitled to his entire time; yet we find him making surveys in San Mateo and Marin counties.”

(Extract—fifth finding—p. 5, Rept. of Committee.)

It does not appear in the testimony that the Superintendent has ever been engaged otherwise than upon park work since his salary was placed at a figure—four hundred dollars per month—which was considered by the Commissioners a sufficient remuneration for his exclusive services.

The contract work undertaken in Marin County was completed more than five years ago, before the Superintendent was employed regularly by the Commission. The work in San Mateo county was contracted for and completed upwards of two years ago, when the Superintendent's salary was three hundred dollars

per month, and when his understanding with the Commissioners allowed him to take outside work which would not interfere with his duties as their engineer and general superintendent. He was absent but a day or two occasionally, in his attention to the San Mateo work, of which absences the Commissioners were aware.

(See pp. 60 and 81 of Test., and pp. 96, 97, 104 and 105 of Ad. Test.)

This complaint is a fair sample of the spirit of petty fault-finding displayed throughout the entire proceedings of the Committee, and manifest in every paragraph of its report, and is but one of the instances wherein a gross perversion of facts and evidence is resorted to in order to make even such trivial criticism.

RECLAMATION CONTRACT.

The superintendant "has taken private contracts for the reclamation of private lands adjoining the park, and in the latter there is the evidence of the witnesses Burns and Ward as to the manner in which they were in part paid for their services. The amount involved is small, but the fact exists."

[Extract, p. 5, Rep't of Committee.]

The western end of Golden Gate Park, for about two miles of its length, is situated upon the sand downs. This portion of the reservation has been in a great measure primarily reclaimed—covered with vegetation sufficient to stop the drifting of the sands—by plantations of the lupin bush. It is protected on the west, at the beach, from the inroad of the sands, by a brush fence, but has been subjected to the drift on its northern and southern sides. It early became an object of solicitude on the part of the Commissioners to have the adjoining lands from whence these drifts came, also cultivated, because of the great drawback they, in their unreclaimed condition, were to the progress and completion of the park work of that character.

With the knowledge and approval of the Commissioners, Hall undertook to reclaim for the owners, by private contract, a certain tract of this sand land lying next to and south of the park reservation. The reclaiming of this land was considered a decided benefit to the park because it protected the reclaimed land of the reservation from the drift on that side for about a mile and a half of its length.

(See p. 126 of Test; see p. 58, 60 and 61 of Test.)

The work of reclamation under the contract taken by Hall was prosecuted on two occasions during the winter of 1874-5. On the first occasion men and teams were employed from six to eight days in making the plantation; and on the second occasion—some weeks afterwards—men and teams were employed from two to four days, over the same ground, repairing damage done to the plantation by storms.

(See Private Pay Rolls of Hall, submitted to Committee.)

PAT. BURNS testified that he was employed as laborer on the park; worked ten or twelve days for Hall on his private contract work at two dollars per day, for which he received but five dollars and a half from Hall, and got the rest of his money for that time, from the city treasury, on his park voucher drawn to him as a laborer on the park. (p. 110 of Testimony.)

On cross examination Burns states that he worked for Hall *in all* ten or twelve days; that he received all the money that was due him for the total time worked by him. (p. 111 of Test.)

Burns identified his signature on Hall's private pay rolls; on the first—that marked "Original plantation"—for 7.3-9 days at \$2.00 pr. d.; on the second—that marked "First repairing"—for 2.5½-9 days @ \$2.00; making in all about ten days. (p. 111 of Test.)

A comparison of the private pay rolls, above mentioned, with the park pay rolls, has shown that Burns is not credited with time on the said park rolls which is allowed him on the private rolls, that the credits upon the two together make up the sum total of the working days claimed by Burns in all.

A comparison of the demands drawn to Burns' order (upon which he identified his signature) on the Park Improvement Fund, in the city treasury, with the park pay rolls, shows that

the time for which he was paid on said vouchers corresponds, in each instance, with the time credited on the park pay rolls and therefore did not provide payment for time not on those rolls. (See p. 99 and 100 of Ad. Test.)

W. H. HALL testified positively that Burns was paid by him in full for all time worked by him (Burns) for him (Hall); and that he never credited any man upon the park pay rolls with time which he did not work upon the park. (p. 59 of Test.)

LOUIS ENRIGHT—former Assistant Engineer upon the park—testified that he kept the time of Burns and that the credits on the park pay rolls represented the actual amount of time worked by Burns for the park, and no more; and that he witnessed Hall pay Burns cash in full for the time represented in the private pay rolls. (p. 10 of Additional Testimony.)

The case of Pat. Ward is an exactly similar one.

These men receiving all the money due them, which they acknowledge; and drawing from the park fund payment for the time represented on park pay rolls only, which did not include the time worked for Hall, must have received from Hall payment for full time worked for him, which time corresponds to that credited them on the private rolls.

In calling attention to the testimony of Burns and Ward, without noticing that this is contradicted by competent evidence both oral and documentary, the Committee have been consistent with the course pursued by them throughout the entire investigation.

MONUMENTS.

“ Prior to the appointment of Mr. Hall as superintendent of the park, he had, under a contract with the commissioners, made a topographical survey of the park, and as part of his contract he placed certain granite monuments to designate certain points in his survey. The testimony of several witnesses, the admission of Mr. Hall himself, and his own first biennial report, taken together, show

conclusively that he removed from the park a number of the monuments so placed by him and used them in one of his private surveys at San Rafael. The cash value of the monuments can scarcely be considered the true question involved. The monuments, if for any purpose, were intended to mark certain points and lines. Now, these monuments removed, is not every evidence of boundary distance and direction destroyed? Are not new surveys rendered necessary when any work shall be attempted?"

(Extract, page 5, Rept. of Committee.)

The case upon which this censure is founded, as presented to the Committee, is substantially as follows:

Of four sets of specifications for the original topographical survey of the park reservation, submitted by civil engineers to the Commissioners, in July, 1870, those presented by W. H. Hall were adopted.

(Minutes of Meeting, Board of P. C., July 26th, 1870.)

As originally drawn, these specifications called for small granite monuments, or corner stones, to be placed at such points, viz.: "all angular points of the exterior boundaries thereof" (the park reservation) "and at the intersection of centre lines of streets therewith," as to make the total number required about one hundred and thirty.

These specifications were amended "to economize in the price of the survey." (See p. 39 of Ad. Testimony.)

As amended, the words "and at the intersection of the centre lines of city streets therewith" being left out, these specifications required the contractor to furnish and place ten granite monuments or corner stones, viz: one at each "angular point of the exterior boundaries thereof," (the park reservation) these angular points being nine in number, as shown on the map, and one on a certain hill near the centre of the reservation. (See page 40 of Ad. Test.)

Upon the specifications thus amended and adopted, the Commission solicited proposals to contract for the survey required. (See p. 39 of Ad. Test.)

The contract was awarded to W. H. Hall, he being the lowest bidder. (See minutes of meeting of Board of P. C., Aug. 8th, 1870.)

The specifications of this survey, on file in the office of the Commission, were produced before the Committee, identified in detail by A. J. Moulder, former Secretary of the Board. (See p. 39, 40 of Ad. Test.)

W. H. HALL testified as follows :

“ I undertook this survey under these specifications as they are here, and as they have been identified, and put in twenty-seven granite monuments of my own motion, under a specification which called for ten. In other words, seventeen more than I was paid for. I did that because they cost me but little, and because I expected to be Engineer of the Park, and I knew that a greater number would be of advantage and convenience to me in surveying. Afterwards, when the Avenue was being graded, and four or six of these monuments were being covered up, and no longer of any use there, I had either four or six taken away. I considered them my own. I consider that there are eleven or thirteen monuments there on the park now that I have never been paid for, and I don't expect any pay for them. Right here I will state that under the same circumstances, in the some case, I should remove those six granite monuments again. They were my property, and I took them away.” (Extracts from testimony of W. H. Hall, p. 41 of Ad. Test.)

The monuments cost \$1.75 or \$2.00 each.

J. W. HODNETT, former assistant foreman at the park, testified to having taken some of these monuments, number uncertain—“ eight or ten, or may be less than either ”—away from the park, by Hall's direction, some time during the year 1871, previous to his employment on the park. (See p. 94 of Testimony.)

LOUIS ENRIGHT, former Asst. Engineer on the park, testified that about April, 1872, there were twenty-three of these granite monuments in position on the park. (See p. 6 of Ad. Test.)

It appears then that the monuments taken by Hodnett were those referred to by Hall. That Hall exceeded his contract work, and that the park is still debtor to him for thirteen monuments.

It was explained to the committee that the removal of the particular monuments taken would not necessitate new surveys, because a fence was built on the line upon which these stones had been.

The very uncertain and noncommittal conclusion of the committee on this point absolutely ignores, as do all its findings, the testimony taken on the occasion of its second visit to San Francisco, and printed as Additional Testimony, in which will be found a complete line of defence against all of the points published abroad in the first pamphlet, as the Testimony taken etc.

CONCLUSION.

The committee conclude by saying:—

“Your committee recognize to a large degree, the amount and value of the work already done upon the Park. It was found by the Commission almost a desert. They have succeeded in bringing a large portion of it to a state verging upon perfection, and the remainder is in a fair way to the same result.”

“The Golden Gate Park ought to be considered the pleasure ground of the San Francisco of the future, and so treated.”

“But while your Committee would thus urge a large liberality in the premises, they would insist upon a close regard, on the part of the management, to details; a more watchful supervision of employees; a restriction of the powers of subordinates, especially in matters of purchases and proposals, and prosecution of the larger works, and generally we would insist upon personal care and attention necessary to produce an efficient, economical administration of affairs commensurate with the interests intrusted to them.”

“These views of your Committee carried out the Golden Gate Park could be made what it ought to be, an immediate benefit to the city of San Francisco, and a matter of pride and credit to the State at large.”

To consider the fourth paragraph as above quoted: the report does not favor us with a single practical view, original with the Committee or borrowed. It was their work of nearly the entire session, but it is as bare of suggestion as their course of action was of good result.

There was no evidence whatever before the Committee to show that there had been any laxity on the part of the Commission in the management of its affairs—that it had delegated any such plenary powers to its chief employee

or subordinates as implied by the Committee throughout their report—or which proved that the trust imposed upon the Commission had suffered in any manner by the confidence reposed in the Superintendent and Engineer of its works. On the contrary, the trust was well deserved.

A large amount of evidence was adduced and offered which showed a state of affairs the reverse of that reported by the Committee, and more of a similar character would have been brought forth but for the manner in which much that was produced was received.

There are some other points of less moment which might be noticed in much the same manner as those already touched upon; but enough has been said to show, that while the course and manner of the Committee's proceedings—from the beginning to the close thereof—partook more of the character of an overt and aggressive prosecution of charges contrived and framed in secret, than of a calm and impartial investigation for *truth* alone, the *report* itself, the product of these proceedings, is still more remarkable in some of its characteristics, than all that preceded it; and for these reasons :

First—On questions, which, by their nature, are determinable, only, by professional learning and skill, the crude opinions of committee-men are, with equal ignorance and dogmatism, substituted for and made paramount to the well considered and deliberately formed opinions of engineers of acknowledged capacity, attainments and experience ;

Second—In respect to other matters, conclusions are announced which, in some instances, are in direct conflict with the overwhelming weight of evidence, and, in others, are not supported by any evidence whatever.

And yet, again, we have directed attention sufficiently to demonstrate, that the Committee to whom the House

delegated the duty of a fair and unimpassioned investigation of Park Commission affairs, have performed that duty; either, under a sense of the solemnity of the obligation so faint as to disqualify them for its discharge, or, that, wholly ignoring the obligation, they have wilfully, to the extent and in the particulars pointed out, shaped their official acts after a manner inconsistent with the development of truth and the doing of justice, and, withal, grossly unbecoming the dignity of the high legislative body which they represented.

The Commissioners wish to state in conclusion: that they are conscious of having discharged their duty ~~as~~ ~~such~~ to the best of their ability; and are desirous of being judged by the practical result of their service, and a just analysis of the evidence taken before this Committee—for they feel that nothing has been proven to their discredit or to that of any of their employees.

Very respectfully submitted,

E. L. SULLIVAN,	}	<i>Park Commissioners.</i>
WILLIAM ALVORD,		
LOUIS McLANE,		

University of California
SOUTHERN REGIONAL LIBRARY FACILITY
405 Hilgard Avenue, Los Angeles, CA 90024-1388
Return this material to the library
from which it was borrowed.

--	--

100

Univer
Sou
Lib